

MINUTES – REGULAR SESSION**PORTSMOUTH CITY COUNCIL MEETING**

Monday January 9, 2012

6:00 P.M.

The City Council of the City of Portsmouth, Ohio met in regular session on, Monday, January 9, 2012 at 6:00 p.m., in the Council Chambers of the Municipal Building.

President of Council, John Haas called the meeting to order. A moment of silent prayer was observed followed by The Pledge of Allegiance to the Flag.

Roll Call showed the following members to be present:

Kevin Johnson	1 st Ward
Rich Saddler	2 nd Ward
Jim Kalb	4 th Ward
John Haas	5 th Ward
Steve Sturgill	6 th Ward

Also present were Mayor David A. Malone and Solicitor, Michael L. Jones, and City Auditor, M. Trent Williams.

Councilman Basham's absence was excused, on motion by Councilman Johnson.

On a motion by Councilman Kalb, Council dispensed with the reading of the Journal for the regular session of December 27, 2011 and Organizational Meeting January 2, 2012.

There was no public hearing and no one present wished to address Council with regard to any item on the agenda.

Councilman Kalb apologized not requesting the addition of an agenda item in the correct order. Mr. Kalb requested that the proposed ordinance relating to the IAFF be added to the agenda. The proposed ordinance was provided to Council from the Mayor with a Memo Dated December 29, 2011.

**Added agenda
item 7g**

Councilman Johnson stated that he is hesitant to vote on something that he has not been able to read.

President Haas advised that it was in their Council Packets.

Mr. Johnson clarified that the contract was not provided in the packets.

Mr. Haas advised that this would be first reading.

Roll was called. **VOTE: ayes 4 – nays 1 (Councilman Johnson) The agenda item was added as Item "7g"**

Due to the timing of the addition of the agenda item, President offered the floor to the public for comments on items on the agenda.

Mike Malone – 1731 Robinson Ave: Mr. Malone stated he is not speaking on any particular item but regarding the addition of the last item. He stated that on several occasions there have been statements about when things like this appear, an addendum, to the agenda. He stated that the citizens do not have the privilege of looking at it, to see if they want to comment on that item. He would like to hear comments if the President or any member would like to address this issue.

LEGISLATION

The Clerk gave a **third reading** of an Ordinance. to authorize the transfer of \$66,666.67 from fund 225 Law Enforcement Trust to Fund 217 Dispatch OCJS appropriate the funding as received, and upon completion of the grant allow for reimbursement amount of \$50,000.00 to be transferred back to Fund 225 from Fund 217.

**ORD 01-12
Law
Enforcement
fund 217 and
225 grant for
switch board**

Councilman Johnson made a motion to pass the ordinance. Councilman Sturgill seconded the motion.

Councilman Kalb stated that he was looking through the Council Rules and that he understood that in previous meetings that seconding was not done and per the Rules item six (6) that seconding a motion is not required. He feels it is up to Council if they want to incorporate the act of seconding a motion but is not necessary.

President Haas stated that they would continue to do the second through this meeting.

There were no questions or comments. The roll was called. **VOTE: ayes 5 – nays 0 –The ordinance was passed. ORD. #01-12**

The Clerk gave a **second reading** to an ordinance authorizing the Mayor of the City of Portsmouth, Ohio to advertise for bids and to enter into contracts with the lowest and/or best bidder for required supplies, materials and services for 2012 in accordance with Ohio Revised Code 735.05

Councilman Johnson moved this constitute a second reading. Motion was seconded by Councilman Sturgill.

Mayor Malone requested that Council would waive the three reading rules as the current contract for said supplies expired on December 31, 2011. Stating that they wanted to take advantage of the lowest cost on different items and this is basically a representation of things that takes place every year and this particular ordinance will allow them to take advantage of lower cost. He understands that there are only two more weeks on this ordinance however he wanted to make Council aware of the contract end date and would like to go ahead and move forward on this. Mr. Malone stated that the bid packs are ready to go out for the chemicals. He respectfully asked Council waive the three readings and allow this to move forward tonight.

Councilman Johnson withdrew his motion declaring a second reading.

Councilman Kalb moved to suspend the rule requiring an ordinance be read on three separate dates. As there was not a Second to the motion to suspend the rule requiring an ordinance be read on three separate dates, the motion failed.

Councilman Johnson moved this constitute a second reading. Motion was seconded by Councilman Sturgill.

The roll was called. **VOTE: ayes 5 – nays 0 A second reading was declared.**

The Clerk gave a **second reading** to an ordinance to make appropriations necessary for the current expenses of the City of Portsmouth, Ohio for the months of January and February 2012 as provided for the Section 50 of the Charter of the City of Portsmouth, Ohio.

**ORD. 02-12
Temp budget
January and
February 2012**

Councilman Johnson moved this constitute a second reading. Motion was seconded by Councilman Sturgill.

City Auditor, Trent Williams stated that in order for the City to make payroll when it becomes due this month, there needs to be at least a temporary appropriation ordinance in place. Mr. Williams advised that this ordinance would have to be passed tonight.

Councilman Johnson withdrew his motion declaring a second reading. Mr. Johnson stated that he would appreciate being advised of these things prior, it makes it much easier to justify to those here but also to those who read about it. He will withdraw his motion and because the ability to pay bills he moved to waive the three readings.

Councilman Johnson moved to suspend the rule requiring an ordinance be read on three separate dates. Motion was seconded by Councilman Sturgill.

Mr. Williams stated that there was a discussion when the ordinance was introduced, that there would be two ordinances going at the same time, one being the permanent ordinance, should Council pass the budget. The second it was made known that by the first payroll there would have to be at least a temporary ordinance in place and that was the reason this ordinance was created to begin with.

The roll was called. **VOTE: ayes 5 – nays 0 The rule was suspended.**

Councilman Sturgill moved to pass the ordinance. Councilman Johnson seconded the motion.

The roll was called. **VOTE: ayes 5 – nays 0 The ordinance was passed. ORD. #02-12**

The Clerk gave a **second reading** to an ordinance to make appropriation for the current expenses and other expenditures of the city of Portsmouth, Ohio beginning January 1, 2012 and ending December 31, 2012, as provided for in Section 49 of the Charter of the City of Portsmouth, Ohio.

**Ordinance
Failed**

Councilman Sturgill moved this constitute a second reading. Motion was seconded by Councilman Johnson.

Councilman Johnson recalled that during the Budget Work Session that the City Auditor was really clear, that even through our work was a good start, the savings would need to be doubled to perhaps satisfy the State Auditor. Mr. Johnson stated that we are expecting a report from the Financial Advisory Committee within the next two week, certainly before February. Mr. Johnson is anxious to see what savings they will come up with, and to see if it comes close to the estimated \$500,000 savings that is needed. Mr. Johnson agrees with the City Auditor and does not think that the State Auditor is going to look kindly on the little savings that we have reached in comparison to our deficit. For those reasons he will be voting no on this motion, anticipating some input from the Committee.

Mayor Malone addressed the Council stating that everyone has a misconception or wrong idea about the role of the Committee. The State Auditor is not requiring the Finance Committee or even the Council to come up with a certain amount this year as far as the budget is concerned. He stated that all they are looking for are the ways and strategies to eliminate the deficit within three to five year that no matter the amount of money is irrelevant this year for the State Auditor. They are looking for a written plan as to how we are going to deal with this deficit. As stated on Saturday this committee is looking at a few things and identified a few areas that can be worked on. The committee is confident that this deficit will be resolved short of five years, probably within three if we put together the plan and stay true and not deviate from it.

Mr. Williams advised that more information will be known over the next two days as administration will be meeting with Local Government services tomorrow (Tuesday) and the next committee meeting the following day. Any topics that we are not clear on, such as how much, will be answered tomorrow and those will be conveyed to the committee and the Mayor will bring all the answers back to the Council.

Councilman Kalb stated that he was at the six hours Budget Meeting the other day, we did make a lot of significant cuts. He state that the inheritance tax was coming in at \$0 this year but that we know that we will receive some type, historically it has been approximately \$250,000. He also stated that the income tax increase was only based on approximately 75%, that there would hopefully be an additional 25% at the end of the year from that. Mr. Kalb pointed out with the money that was already cut and those motioned, there would be additional monies at the end of the year.

Councilman Sturgill stated that this would only be a second reading and that whatever information Mr. Williams found out on Tuesday or Wednesday, there could be additional information brought back to Council.

Mr. Williams agreed and stated that keeping in mind that this ordinance is the original ordinance, based on the original budget and Council could not pass this tonight. It would have to have another reading and the newest ordinance would replace it, with the numbers from the Budget meeting. With the temporary ordinance in place we can do business and give this ordinance another reading to make corrections going forward.

Mayor Malone pointed out that each member does have a copy of the revised budget from Saturday's meeting and there was almost \$250,000, unless there are any unforeseen changes this will be the budget that Council will be passing.

Mr. Williams wanted to add, he wants the City to be thinking long term and moving toward, what he has suggested to Council for several years that the general fund budget carry a million dollar balance at all times. Long term he hopes that we (the City) is thinking towards that end and not spending everything that comes in a year.

Councilman Sturgill confirmed that he thinks that is the way it is being thought of.

City Solicitor, Mike Jones, elaborated and respectfully disagrees with the Mayor on several points. One, is that they had the opportunity to meet with the State Auditor, briefly when he was down announce that the City was in state of Fiscal Caution. As Council is aware, Fiscal Caution is a new prevision in the Ohio Revised Code this year. It used to be only Fiscal Watch and Fiscal Emergency. He anticipates and was given indication that there would be several Municipalities and Villages that will be placed on Fiscal Caution. Portsmouth has been on the radar for the last two years due to the deficit budget, due to this we were probably one of the first to meet this criteria for Fiscal Caution.

However, from the meeting from the State Auditor, he left understanding that the City was not to pass another deficit budget. That will raise the argument as to does that include a budget for this year's revenue or does this take into consideration the 1.4 million dollar deficit carryover? He thinks the State is looking for the City to make significant cuts in the budget and when he says cut, the Mayor's has presented a budge, and he has done a great job with this year's expenses, however it does not take into consideration the deficit. Mr. Jones stated that we do not want the State to take over the City of Portsmouth, because then the decision making would be taken way. If we don't make these tough decisions the state will come in and make them for us. Based on his understanding there needs to be more cuts, at least a third and more will be know in the next few days. He does not want to be the barrier of bad news but to be realistic we are

on the radar and the State Auditor will not be giving Portsmouth a pass this year. In conjunction with Mr. Williams, it is felt that there needs to be 500,000.00 in cuts this year alone.

President Haas stated that when he left the meeting, his understanding that to be on Fiscal Watch, they look at 10% of the budget being in deficit, and if you have a deficit that is larger than 10% of the budget...

Mr. Williams correct 1/6 and 1/12 for Watch and Emergency.

Mr. Haas continued that his understanding is if not at that level, it is statutory and he does not know how they can bend the rules on us.

Mr. Williams advised that we would be at the Watch level with the 1.4 plus million dollar deficit.

Mr. Haas questioned how we are not this year.

Mr. Williams advised that they have already made a declaration of Fiscal Caution. If that is to continue to grow instead of reduce they will make a follow up recommendation.

Mr. Haas stated that he will interested to hear what is found out tomorrow and what the answer to those questions are. If we have a surplus in our budget this year, how will that work. We were here for six hours and ended up 200,000, it will be interesting to hear if we need more cuts

Councilman Saddler asked with the almost \$250,000 plus that was obtained Saturday and with us on Fiscal Caution, even with us having a surplus is that going to throw us into the Fiscal Watch next year automatically?

Mr. Williams did not think that anything is going to happen automatically, noting will probably be done until the end of 2012 unless you (Council) were to do something blatant like pass another deficit budget. He feels that they are headed in the right direction, however if certain conditions are not met, attempted cuts, when the Local Government Services Division looks at our budget, if they don't see significant improvement they may look at it a bit more harshly and make other recommendations.

Mr. Saddler stated there were other items that were discussed Saturday, like fuel items that could possibly take away and make it less. Where would we have to be on savings to create a surplus at keep us at least in Fiscal Caution?

Mr. Williams advised that he think that we are jumping ahead and that the ordinance needs to be passed as a second reading, get our questions answered tomorrow and bring the Council back some of these answers. Because as Mr. Saddler mentioned we still have the fuel issue to deal with and as Mr. Kalb pointed out we will probably have some state tax coming in and the reason for the 75% tax projection is because all the taxes will not come in this year as they will in 2013. He is hoping, just as was said, that 100% would come in, that would being in several hundred thousand additional, he just can't certify that amount will be there at this point and then have to say "oops sorry" when it all does not come in. With some of the questions, time is going to be part of the factor, it is better to estimate on the low side and also get some of the questions answered. Mr. Williams is not clear on what they will be told in the next few days, but hopes for clear guidance as to what we need and what will get us there.

Councilman Sturgill questioned if they (State Auditor) will give the information in writing.

Mr. Williams stated we will see what we see tomorrow, he is just not sure.

Councilman Sturgill stated that unless we come up with 1.4 million, the budget that will be produced is not going to be a balanced budget.

Mr. Williams agreed and added, he thinks that asking the City to cover 1.4 million in one year is unreasonable and thinks that the State Auditor will probably agree. He stated that the Solicitor and himself differ in their opinions of what has been conveyed to them, however he does not think the budget cuts should take five years but it also can't be done in one year either. He thinks that there needs to be significant progress. And answering the questions as to whether the state will give answers in writing, Mr. Williams stated the law was only passed in September and that they don't have all the rule in writing yet. The meeting tomorrow is to find out what is expected and obtain the best answers we can get.

Councilman Kalb wished to clarify the categories: Caution, Watch and Emergency.

Mr. Williams confirmed that was correct.

Mr. Jones agreed that Mr. Haas is correct the Fiscal Watch and Emergency are statutory, based on percentage of deficit however as Council is aware that includes all the funds, not just the General Fund. There are three other funds in additional to the General funds that are showing a deficit. They are all taken into consideration when the decisions are made by the State. He understands that in 2009 the City was \$750,000 and increased that by about \$500,000 in 2010. The City has showed a pattern of significant

deficits in the last two year and what he took from the meeting is, the City has to stop doing this or the State will make the decisions for us. The path that the State take by statute he cannot be sure, however the State Auditor told them during the meeting, Stop doing this. Mr. Jones takes this very seriously.

Councilman Saddler questions that with this year showing a surplus, we are doing what the State Auditor has asked even through, he agrees it could be more savings, but we have stopped creating a deficit budget.

Mr. Jones clarified that the reason he has stated this is based on several meetings that he has attended, and requested correction from the Auditor, that they have been told several times that the budget revenue is projected, and the deficit has to be taken into consideration. The expected revenue was projected at 11 plus million dollars but told us over and over again that the deficit must be taken into consideration when the expenses are done, and the City has not done that in the last three years.

Mr. Williams stated that by definition the certificate that he gives the amount of revenue that he certifies includes the current balance. If he certifies that we will receive 11 million and we have a 1 million dollar deficit, then you have 10 million to work with. So your budget needs to be 10 million dollars.

Mr. Jones agreed and pointed out that is where the starting point should be and this is the point he is making, that it appears that this is what has been done over the last few years and if we continue it is doing the same.

Councilman Sturgill clarified that they (the Auditor and Solicitor) will have clarification by Wednesday of exactly where we are at and what we need to do. With this information if we need to come back and do it all over again, that is what we will do.

Mr. Williams advised he has already advised the Division of Government Services what our question is and requested that they come and answer those questions.

Mr. Saddler motioned for a Second Reading of the Ordinance. Mr. Haas advised this motion was already been made.

The roll was called. **VOTE: ayes 3 – nays 2 (Kalb, Johnson) President Haas declared a second reading.** However later discussion shows the ordinance FAILED.

The Clerk gave a **first reading** to an ordinance Authorizing and directing the Auditor of the City of Portsmouth, Ohio, to distribute all City Income Taxes for the year 2012, collected in accordance with Ordinances No. 100 of 1970; No. 110 of 1976; No. 84 of 1987; and No. 61 of 2011 into the general fund and Capital Improvements Fund as hereinafter set forth.

**ORD. 03-12
Income Tax
collection and
distribotion**

Mr. Williams advised Council that these are both (this ordinance and the next) routine and required each year to give the Auditor the ability to distribute funds as they are received from the income tax. That this ordinance and the next which request advanced payment from the County Auditor, he would hope that both these would be considered routine and the three reading would be waived and both be passed this evening. He stated that there is no reason whatsoever to hold these out after tonight.

Councilman Kalb moved to suspend the rule requiring an ordinance be read on three separate dates. Motion was seconded by Councilman Sturgill.

President Haas called for questions or comments then correct himself, that this is a non-debatable motion.

Councilman Sturgill asked for clarification of the term non-debatable.

President Haas explained that the motion to suspend is not debatable.

Councilman Sturgill asked if there could still be questions just no debate.

President Haas advised that this motion is not questionable or debatable.

Councilman Sturgill stated he learns something every day.

Mr. Kalb wanted to make sure that he knew what he was voting on as he voted wrong the last time. It was clarified that this vote was to waive the three reading rule.

The roll was called. **VOTE: ayes 5 – nays 0 The rule was suspended.**

Councilman Johnson moved to pass the ordinance. Councilman Sturgill seconded the motion.

Mr. Williams stated that on this particular type of Ordinance the goes back to Mr. Johnson's earlier request for notice to be given for passage on a first reading. He stated that these are very simple housekeeping, they are done every January without debate, almost without need, but there is a legal need

for them to coincide with the Charter. He would hope that Council would not think that this is improper to do basic routine house keeping on first readings.

Councilman Johnson stated not at all. He wanted to clarify that the issue is not that we are rushing them through, it is because of the arcane rules, that there cannot be notice given in advance that the three readings will be waived until it is brought up in the meeting. Mr. Johnson is hoping that this can be dealt with Council wide, so anyone who reads the agenda will know which ordinances will only get one reading and the reason.

Mr. Williams added that by what the ordinance says, it is basically allowing him to do his job and distribute the money to where it needs to be.

Councilman Johnson stated the Council does understand, however he did not want to take for granted that the citizens understand the same.

The roll was called. **VOTE: ayes 5 – nays 0 The ordinance was passed. ORD. #03-12**

The Clerk gave a **first reading** of a resolution requesting the advance payment of all taxes now standing to the account of the City of Portsmouth, Ohio, from the Treasurer of Scioto County, Ohio, and any and all other monies due the City of Portsmouth, Ohio, included in the certificate of estimated resources as issued and approved by County Budget Commission, and to be credited to the respective funds by the warrants received from the Auditor of Scioto County, Ohio.

**RES. 01-12
Receive
moneys from
Scioto County
Treasurer**

Councilman Johnson moved to suspend the rule requiring an ordinance be read on three separate dates. Motion was seconded by Councilman Sturgill.

Councilman Johnson realized that this was a Resolution and apologized to Council, withdrawing his motion and Councilman Sturgill withdrew his second of the motion.

Mr. Jones advised they needed a motion to adopt.

Councilman Johnson moved the resolution to be adopted.

The roll was called. **VOTE: ayes 5 – nays 0 The resolution was adopted. RES. #01-12**

Councilman Johnson requested a house keeping issues be discussed. On item “e” there was a three to two vote and it is his understanding that it would not pass, however one of the votes was a no because he thought the vote was for something else.

Mr. Williams clarified that it was item ‘d’.

President Haas requested the legal opinion of Mr. Jones, is a three/two vote when there are five members present enough to pass.

Mr. Jones advised it is not.

Councilman Kalb stated on a second reading unless it is for passage it is pretty much automatic.

Mr. Jones corrected that it is not automatic.

Mr. Haas questioned where the ordinance failure would lead, will they have to bring back the ordinance as a first reading.

Mr. Jones advised that it can be brought back as a first reading.

Mr. Haas offered fair warning that there will be first reading of the ordinance of the budget and it may require the waiving of the three reading rule.

Councilman Johnson wanted to point out that certain people did not know what they were voting on it was not made clear.

President Haas understands the concern however it will be left as is and will come back as a first reading.

Mayor Malone stated in the past it has been the practice that any failed motion or ordinance, it will remain at that level. In this case it would remain a second reading until the next meeting.

Mr. Williams stated that in the past, he was not sure if it was Mr. Jones’ previous ruling, if a first or second reading failed for passage it became that reading. Basically he does not understand that, but basically if a first reading fails, it becomes a first reading, only on third reading if it failed did become not pass.

Councilman Kalb stated that if you read it, it has been read and it is different than a passage.

Mr. Williams continued that he can't say that he agrees with this but this is the way it has always been. Maybe a fresh interpretation from the Solicitor would be in order.

Mr. Jones' interpretation is that if Council does not have the sufficient number to get it to a second reading, then it is not a second reading.

Mr. Williams clarified that the ordinance fails.

Mr. Jones stated it will have to be brought back as a first reading, which we have done in the past, when motions have failed at a first reading.

Mr. Williams again clarified that Mr. Jones is stating ordinance would fail.

Mr. Jones stated correct.

Mr. Williams stated that if it is brought back it will be brought back as a first reading.

Mr. Jones continues with his point by saying, why are we voting if it does not meaning anything, we could just have reading and not vote.

Councilman Johnson expressed that Mr. Jones has clarified his question.

Mr. Williams stated that in this case, the ordinance really does need to come back new, as there have been many changes to the budget and the current ordinance would have to be amended to the correction.

The Clerk gave a **first reading** of an ordinance approving and ratifying the recently negotiated collective bargaining agreement between the City of Portsmouth and the International Association of Firefighters, Local 512, for the period beginning January 1, 2012 through December 31, 2014.

President Haas wanted to clarify something that he had said earlier, that this is an ordinance and will require three reading.

Councilman Kalb moved this constitute a second reading. Motion was seconded by Councilman Sturgill.

Councilman Johnson wanted to reiterate that we are not members of Congress and should not be passing things that we have not read. This is an important contract that establishes the template for future contracts. He has shared with each of the Council Members an Adobe file of the previous IAFF contract, so we has the capability to set down and compare the two contracts. The Mayor has provided what he considers to be the differences, but again he does not want to rely on someone else's opinion of what was changed and he wants to read for himself.

Mayor Malone pointed out that the tentative agreements are located in the Clerk's office. There are two copies for the Councils viewing and have been there for over a week. What was included in the packet were the specific changes or tentative changes. To view the entire contract as a whole you are free to do so in the Clerk's office. The Mayor stated to produce however many pages there are for each Councilman when the changes were provided in the packets. He stated the entire contract is in the Clerk's office to view.

The roll was called. **VOTE: ayes 4 – nays 1 (Councilman Noel) A first reading was declared.**

Statement or Remarks from Citizens on items not on the Agenda

Trampus Puckett – Carpenters Local Portsmouth –Business Representative – Ohio, Kentucky and Indiana Regional Council of Carpenters – 2138 Gallia Street - Mr. Puckett wanted to make a statement in regards to the last Council meeting, the news paper article made comment that the Workforce Agreement passed into Ordinance was not utilized with the Filtration Plant Project. He has spoken to several Councilmen and the Mayor to ensure that this agreement is honored on future projects. He also wanted to make some points, PAE, the company awarded to the contract, bid was lower, which Mr. Puckett agreed, but if the City had used the Workforce Agreement as a prevailing wage project, there would not have been an increased cost to the City and allow the work to go to the local workers, who pay tax dollars into the City. This would have given citizens an opportunity to earn some of their tax dollars back by working for the City. He encouraged Council and the Mayor to contact him if they have any questions prior to accepting other bids, he looks forward to working with them to ensure that we get some local people on some of these projects. He also wanted to touch base about the headlines on the front page of the paper, that it was a union issue and that the union was upset with the awarding of the bid to an outside company. Mr. Puckett stated the biggest thing about the Workforce Agreement is, it is not an union issue. But they

want to see as many people in Portsmouth, Scioto County and southern Ohio working jobs that are funded by their tax dollars.

Cherice Keyser – Executive Secretary/Treasurer Shawnee Labor Council – 602 Chillicothe Street
– Mrs. Keyser wanted to voice her support for Mr. Puckett. She stated that the Shawnee Labor Council will stand and support the workforce of the community and the sisters and brothers in the construction industry if it is their intent to protest this bid. She continued by saying that she through the story in the Portsmouth Daily Times was a bit sensational stating the union was protesting the treatment plan bid. Mrs. Keyser advised that everyone knows that this went wrong and it should not have happened as it did. The main concern of the City was the cost, however she wanted to make sure that it was understood that the Community Workforce Agreement does not raise cost. What it does do is provide that local workforce is used, there is nothing in the agreement that prevents companies like PAE from hiring local workers. Mrs. Keyser pointed out that the agreement could still provide for PAE to be awarded the bid and save PAE money as the wages are set by the State of Ohio, this is a public project and governed under prevailing wage laws, those wages are not flexible. There is nothing to do with union and non-union, this is a community issue and what the Community Workforce Agreement says that we will hire, persons within the local community within a certain ratios, but Scioto County is first and for most. There are also apprentices programs that would save money and reduce labor cost through apprentice programs. We have one of the highest unemployment rates in the state, no one is going to come in and fix that for us, so the City of Portsmouth and the County has to be first in helping ourselves. Mrs. Keyser stated that the Community Workforce Agreement will work, we must use it and allow it to work.

Miscellaneous business and reports:

City Clerk’s Report

1. Oath of office

- Norbert Cassidy – Investigator to the Solicitor 1-9-12
- Jerry Buckler- Assistant Prosecutor – 1-9-12
- Rebecca Bennett - Assistant Prosecutor 1-9-12
- Kathy Hodkinson - Legal Secretary to the Solicitor 1-9-12
- Constance Snipes – Deputy Auditor – 1-4-12
- Jennifer Spriggs – Finance Clerk II – 1-4-12
- Sherry Boling – Finance Clerk I – 1-4-12
- Melanie Jayne – Finance Clerk I -1-4-12
- Barbara Doyle – Tax Commissioner – 1-4-12
- Vicki Musser – Deputy Tax Commissioner 1-4-12
- James R. Saddler II– 2nd Ward Councilman 1-2-12
- Steve Sturgill – 6th Ward Councilman 1-2-12
- Jim Kalb - 4th Ward Councilman 1-2-12
- John Haas- President Portsmouth City Council 1-2-12
- James R. Saddler II– Vice-President Portsmouth City Council 1-2-12
- Tamara Nathan – Portsmouth City Clerk 1-2-12
- Michael Jones – City Solicitor – 12-30-11
- M. Trent Williams – City Auditor – 12-30-11
- Shawn Gee – Assistant Chief – Portsmouth Fire Department 12-28-11
- Robin Greisman – Captain – Portsmouth Fire Department 12-28-11
- Timothy Alger – Lieutenant – Portsmouth Fire Department 12-28-11

- 2. Received Judgment Entry from Scioto County Court of Common Pleas denying the City’s Request for transfer of CIP Funds on 12-28-2011.
- 3. Received 2011 Annual Report for City Solicitors office.
- 4. City Clerk’s 2011 Annual Report.

Regular Meetings	24
Conference Sessions	
Special Meetings	1
Organizational Meetings	1
Total Meetings	26
Executive Sessions	6

Public Hearings	<u>1</u>
Ordinances Passed	<u>62</u>
Resolutions Adopted	<u>25</u>
Tabled Ordinances	<u>1</u>
Defeated Ordinances	<u>2</u>
Additionto the Agenda	<u>12</u>
Appointments by Council	<u>9</u>
Oaths of Office	<u>15</u>
Ohio Department of Liquor Control	
Notice of Permit Transfer	<u>2</u>
Request for New Permit	<u>1</u>
Notice of Stock Transfer	<u>2</u>
Citizens Addressing Council	
Items on the Agenda	<u>41</u>
Items not on the Agenda	<u>49</u>

42 Residents Addressed Council
4 Non-residents Address Council

The City Clerk’s report was received, filed and made a part of the record, on a motion by Councilman Kalb.

Mayor’s Report – Mayor Malone did not have a report at this time.

Presidents Report

1. President Haas appointed the following to the Portsmouth Fair Housing Board:
 - Mark Cardozi
 - Helen Adams
 - Eugene Collins

2. Mr. Haas wanted to express his thanks to Mr. Puckett and Mrs. Keyser for speaking to Council and explaining how the Community Workforce Agreement works. This contract is going to pay prevailing wages no matter what company wins the bid, by utilizing the Workforce Agreement a winning company will employ local workers and apprentices. In this particular case this was an oversight. Mr. Haas noted that there is an agenda item on the Mayor’s Conference and will be on the Council Agenda at the next meeting that will address and possible help resolve further issues.

**Fair Housing
Board
appointment**

The President’s report was received, filed and made a part of the record, on a motion by Councilman Kalb .

Miscellaneous business from City Council

- 1st Ward Councilman Johnson wanted to respond to the President of Council’s request that the Traffic Committee revisit the issue of a traffic light on Scioto Trail at

George or Bertha. The Committee will be recommending that to Council after having heard input from a number of neighbors and receiving five page petition from the general neighborhood. The meeting was held today at 2:30 and expects their recommendation very soon. Mr. Johnson stated he is pleased with the development and hopes that as we get to the CIP budget Council might see fit to fund such.

2nd Ward

Councilman Saddler announced that there will be a City Building Committee Meeting on January 18, 2012 at 5:30 pm tentatively scheduled for the Council Chambers. He recommended Mrs. Mistie Spicer needs to contact the Mayor and the City Clerk to set an actual place for the meeting.

Mr. Saddler has had complaints about the gate being closed at the very south end of Offnere Street going into the river front. He understands that the river has been up, but the water is off the road now, but there is still some mud on the road. Mr. Saddler requested that the service department could scrape the mud off the road and get that gate back open. Mrs. Smith made the initial complaint but he would like to add his own voice to hers. When the gate is closed cars will park on both properties and dispose of unmentionable items that require the owners to pick up.

Mr. Saddler did not have any concerns from his ward but wanted to go on record again that if there are concerns to please contact him and provided his number as 740-821-9652.

4th Ward

Councilman Kalb reported he has reread the Rules of Council and item 14 states:

The first reading of all Ordinances and Resolutions bearing the weight of Ordinances, shall be for information and, unless defeated or other action taken, this presentation in the regular order of Business at a Regular Meeting or Special Meeting shall automatically be considered a First Reading

He also stated the second reading will be considered the same as the first reading as outlined in item 14 of Rules of Council, unless the ordinance is defeated.

Mr. Jones advised it was defeated.

5th Ward

Councilman Haas stated that when he come to the Chambers this evening he had a note from Judge Mowery, indicating that he would like to have list places within their wards that can benefit from community service participants. The program may be able to rotate within the City and the County to clean up.

6th Ward

Councilman Sturgill commented about the budget hearing that was held the previous Saturday, he thought it was very informative and respectful. He commented on the dialogue that was had among Council and the presentations of the Department Heads. Mr. Sturgill thought progress was made and looks forward to receiving information from the Auditors after their meetings. He hopes that the City is making enough progress that the State will continue to allow the City to make their own decisions.

The perception is that City government has dysfunctional but he feels that this group can disprove that, the continued communication between everyone, not just during meetings but every time the opportunity arises. Mr. Sturgill feels that good things can be done.

City Solicitor

Mr. Jones wanted to wish his dad a Happy Birthday, he turned 70 years old.

Mr. Sturgill expressed his Birthday Wishes.

Mr. Jones also wanted to add that we are at the beginning of the year. He hopes that with the leadership of Mr. Haas and the Council that we can stay focused on the big picture and not get lost in the technicalities.

Mr. Jones stated in addressing the Project Labor Agreement, he appreciates Mr. Haas coming forward and that this is a learning experience in moving forward with these types of agreements. He wanted to make sure that the public is aware, Mr. Jones has spoken to Mr. Southerland, Director of the Water Filtration, and he is happy to report that one of the major sources of labor is the electricians and the IBEW has been awarded the contract for the electrical work on the project. There are local workers on the project, this is a positive thing.

Does this mean that we can't make it better, no, Mr. Jones just does not want it to appear that this company out of Dayton has come in and taken jobs away, when in fact we will have hard working men and women working on the project from Scioto County.

City Auditor Mr. Williams had nothing to report.

The meeting adjourned at 7:15 p.m., on a motion by Councilman Johnson. Motion seconded by Councilman Sturgill.

City Clerk

President of Council